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VIA U.S. MAIL

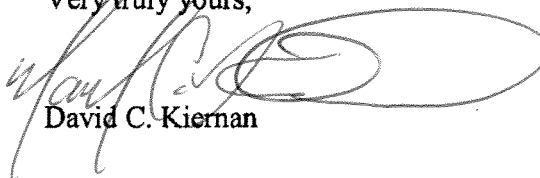
Clerk of the U.S. Court of Appeals  
United States Court of Appeals 9th Circuit  
The James R. Browning Courthouse  
95 - 7th Street  
San Francisco, CA 94103

Re: *McCollum v. CDCR et al.*,  
Case No. 09-16404; Appeal from Final Judgment in Dist. Ct. No. 3:04-cv-03339-CRB

To the Clerk of the U.S. Court of Appeals for the Ninth Circuit:

The parties have reached the following agreement in *McCollum v. CDCR et al.*, Case No. 09-16404 to end this litigation. All parties agree that the Ninth Circuit's opinion (Docket Entry 73-1) dated June 1, 2011 will become final and Appellants will not pursue any further appellate review of that opinion (rehearing before the panel, en banc review or U.S. Supreme Court review) such that the judgment in favor of all Appellees (Defendants) is final, in exchange for all parties bearing their own costs and attorneys fees on appeal and in the district court (case number 3:04-cv-03339-CRB). Appellees will file/submit all necessary documents required to withdraw their request for costs pending before the Ninth Circuit and their request for costs pending before the District Court, thereby concluding all litigation in case number 09-16404 and district court case number 3:04-cv-03339-CRB.

Very truly yours,



David C. Kiernan

The foregoing is true and correct.



Joshua C. Irwin  
Deputy Attorney General  
Counsel for Appellees

cc: Clerk of the Northern District of California (Dist. Ct. case number 3:04-cv-03339-CRB)

SFI-705427v1

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